

STATE OF NEW HAMPSHIRE  
NEW HAMPSHIRE DEPARTMENT OF ENVIRONMENTAL SERVICES  
WATER COUNCIL

In Re: Canobie Lake No Swim Rule Waiver Request  
Env-Ws386.61(h)(4)

**RECEIVED**

MAY 05 2006

TOWN OF SALEM'S PETITION TO INTERVENE

NOW COMES the Town of Salem, by and through its attorneys, Soule, Leslie, Kidder, Sayward & Loughman, P.L.L.C. and files this partially-assented to petition to intervene on the following grounds:

1. Stephen M. Andrews and John Carpenter have filed this appeal to the Department of Environmental Services' March 9, 2006 decision denying their request for a waiver of Env-Ws 386.61(h)(4) which states "A person shall not bathe or swim or engage in other body contact activities in [Canobie Lake]."

2. A party who petitions to intervene must demonstrate that the petitioner's rights, duties, privileges and immunities or other substantial interests may be affected by the proceedings or that the petitioner qualified as an Intervenor under any other provision of law...". RSA 541-A:32.

3. The issue in this appeal is whether the State Department of Environmental Services should waive a rule preventing swimming, bathing and bodily contact with Canobie Lake.

4. Canobie Lake, located in Salem and Windham, is the primary water supply reservoir for the Town of Salem. Any change in the regulations governing its use would have a direct impact on the Town's treatment and use of its main supply of water. As a result, the Town has a substantial interest that may be affected by the decision in this matter and it should be granted Intervenor status.

5. Granting the Town's petition for Intervenor status is in the interest of justice. It will assist in the prompt, fair and complete conduct of these proceedings by assuring the rights of all interested parties are represented.

6. The State of New Hampshire by Esther Piszczek consents to the granting of this petition.

7. I have attempted to contact the Appellants, Stephen M. Andrews and John Carpenter but I have been unable to reach them.

WHEREFORE, the Town of Salem respectfully requests that the Presiding Officer:

- (a) Grants this Petition for Intervention; and
- (b) For such other and further relief as may be just.

Respectfully submitted this 4<sup>th</sup> day of May, 2006.

TOWN OF SALEM

By Its Attorneys

Southern Leslie Kidder, Sayward & Loughman

**COPY**

Gordon B. Graham

220 Main Street

Salem, NH 03079

(603) 898-9776

N.H. Bar No. 981

CERTIFICATE OF SERVICE

I, Gordon B. Graham hereby certify that a copy of the foregoing Petition to Intervene was this day mailed first class, postage prepaid to: Esther Piszczek, Office of the Attorney General, 33 Capitol Street, Concord, NH 03302, Stephen M. Andrews, 48 Woodvue Road, Windham, NH 03087 and John Carpenter, 44 Woodvue Road, Windham, NH 03087.

**COPY**

Gordon B. Graham